



# ENACTING JESSICA'S LAW

## Governor Schwarzenegger's Proposal

### **Implementing a tough, comprehensive plan**

The passage of Jessica's Law was a historic victory for the state of California, which has the highest population of sex offenders in the nation. As this population grows, the process of tracking perpetrators and protecting innocent Californians becomes increasingly complex. Jessica's Law provides crucial enhancement to current laws and policies in the detection, tracking and apprehension of sexual offenders. The Governor proposes a comprehensive Sex Offender Management Plan to ensure this new law is implemented alongside other measures to ensure Californians' safety.

The Governor's three-part Sex Offender Management Plan will implement:

- Recommendations by the Governor's High Risk Sex Offender (HRSO) Task Force
- Jessica's Law
- Recent legislation related to sex offenders

### **Tripling funding to fight sex offenders**

In total, the Governor proposes spending \$59 million in 2006-07 and then tripling funding—to \$178 million in 2007-08—so that the departments of Justice (DOJ), Corrections and Rehabilitation (CDCR) and Mental Health (DMH) can enact the plan.

### High-Risk Sex Offenders

\$47.2 million in 2007-08 and ongoing funding for CDCR to implement the HRSO Task Force recommendations, including:

- Assessing all registered sex offenders to determine if they should be designated as HRSO.
- Providing inmates required to register as sex offenders upon release with special treatment while incarcerated.
- Notifying victims and local law enforcement when HRSOs are released and placed.
- Working with local law enforcement to house released offenders.

### Jessica's Law

**CDCR:** \$30.4 million in 2006-07 and \$75.6 million in 2007-08, and ongoing, for CDCR to:

- Screen inmates to determine if they should be categorized as Sexually Violent Predators.
- Provide Global Positioning System monitoring for HRSOs.
- Reduce parole caseloads through additional hires, so that agents can more closely monitor HRSOs.

**DMH:** \$28.9 million in 2006 and \$53.9 million in 2007-08, and ongoing, for DMH to:

- Address expected increases in Sexually Violent Predators at state mental hospitals.
- Manage increased Sexually Violent Predator evaluations and court testimony.
- Offset increased administrative costs at Department headquarters at Coalinga State Hospital.
- The proposal also includes making \$500 million in lease revenue bonds available to construct additional mental health facilities.

### Recent Legislation

**DOJ:** \$767,000 in 2007-08 for the DOJ to enhance the Megan's Law Web site to include additional information on sex offenders, as mandated by SB 1128 and AB 1849, both signed by the Governor in September 2006.

## On the Record

### Victims' Advocates

**Mark Klass:** "If either of these pieces of legislation had been law when my daughter, Polly, was kidnapped and murdered, she might very well be alive today." - "Sex offenders targeted," *Sacramento Bee*, June 2, 2006

**Gabrielle Derocher, President and Founder, Mothers Against Predators:** "This is a step...This is a giant step." - "Jessica's Law drawing praise," *Riverside Press-Enterprise*, September 2, 2005

**Harriet Salarno, President and Founder, Crime Victims United:** "How do you value the cost of saving children's lives?...Public safety is a priority. Of course it's the right thing to do." - "Supporters of Jessica's Law don't wince at the costs," *Stockton Record*, September 30, 2006

### **Local Law Enforcement**

**Los Angeles County Sheriff Leroy Baca:** "The goal [of GPS tracking] is to prevent any form of sexual abuse at all from those who have already been identified, arrested for a prior offense, convicted, served their time and are back on the streets." - "Summit: Get tougher with sex criminals," *Antelope Valley Press*, August 19, 2005

**Whittier Police Chief David Singer:** "There are a lot of parts of this (act) that would help us quite a bit." - "Local officials support 'Jessica's Law,'" *Whittier Daily News*, August 19, 2005

**Glenn County Chief Probation Officer Linda Shelton:** "The GPS tracking is another tool because we do have to track these people, and we have thousands." - "Votes urged for sex offender bill," *Redding Record Searchlight*, September 8, 2005

**San Bernardino County Sheriff Gary Penrod:** "I can't imagine legislators not supporting this." - "Jessica's Law drawing praise," *Riverside Press-Enterprise*, September 2, 2005

**San Jose Police Chief Rob Davis:** "It's not as if somebody gets out of jail and those cravings cease...We know that the overwhelming majority will continue ... to victimize kids." - "State, local officials back tougher laws on sexual predators," *San Jose Mercury News*, August 29, 2005

### **Just the Facts**

GPS is a proven tool that has shown positive results in both reduced recidivism and better tracking. A Florida State University study of over 5,000 parolees showed that electronically monitored sex offenders were 44.8 percent less likely to commit a new offense than sex offenders not on electronic monitoring. Source: Kathy G. Padget, William Bales, Thomas G. Bloomberg, "Under Surveillance: An Empirical Test of the Effectiveness and Consequences of Electronic Monitoring," *Criminology and Public Policy*, Florida State University, February 2006.

In 2004, 7,792 California inmates were incarcerated for lewd act with a child, a 207 percent increase from 1986. Prisoners incarcerated for lewd act with a child now represent the majority of incarcerated sex offenders in California prisons. Source: E-mail from Christopher Shores, Assistant Information Systems Analyst, Data Analysis Unit, California Department of Corrections and Rehabilitation; Referenced in "Controlling Sex Offender Re-entry: Jessica's Law Measures in California," Jason Peckenpaugh, January 2006.

Currently, 22 states and over 400 cities nationwide have enacted residency restrictions on sex offenders in an attempt to keep predators away from areas where children congregate. These restrictions are necessary to keep predators away from temptations that may cause them to commit subsequent sexual assaults and damage more lives, indefinitely. Source: "The Impact of Residency Restrictions on Sex Offenders and Correctional Management Practices: A Literature Review," Marcus Nieto and Professor David Jung, *California Research Bureau*, August 2006

Within 3 years following their release, 5.3 percent of sex offenders were rearrested for another sex crime. Compared to non-sex offenders released from State prisons, released sex offenders were 4 times more likely to be rearrested for a sex crime. Source: "Recidivism of Sex Offenders Released from Prison in 1994." Langan, Patrick et al., Bureau of Justice Statistics, US Department of Justice. November, 2003.

"According to 2002 data provided to The Associated Press after repeated requests over nine months, the state does not know the whereabouts of at least 33,296 sex offenders, or 44 percent of the 76,350 who registered with the state at least once." Source: "'We Don't Know Where They Are' - California Loses Track Of More Than 30,000 Sex Offenders," *Associated Press*, 01/07/03)